

REMARKS

Applicants request reconsideration of the application in view of the above amendments and the following remarks. Claims 1-3 and 5 to 26 were pending prior to this response. Claim 1 has been amended to add the features of claims 2 and 3, which have been canceled. Claim 26 has been amended to change claim dependency, and not for purposes of patentability.

Claim Rejections – 35 USC § 102-103

Amended claim 1 now contains the additional limitations that (a) the fine particles have an average particle size of 10 microns or less, the medium particles have an average particle size of 20 to 100 microns, and the coarse particles have an average particle size of 100 to 400 microns, and (b) the cement comprises micro-cement or a mixture of micro-cement and slag. Nothing in the cited prior art discloses all of these features.

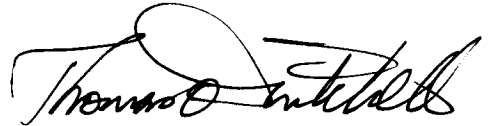
The cementing composition of claim 1 comprises micro-cement, flexible particles and filler, wherein cement is only present in the fine particles and the flexible particles and the filler can alternatively be present in medium and/or coarse particles. Regarding this composition, it is possible, by fixing the slurry density of the cementing composition and by adjusting the percentage of micro-cement, flexible particles and filler, to adjust the mechanical properties of the set cement and especially the Young's modulus of the set cement (Examples 1 to 6 reflect this feature) by having a packing volume fraction of the blend of at least 0.78. None of the cited prior art references teaches an adjustment of mechanical properties independently of cement composition slurry density. The Examiner contends that Villar '562 provides the motivation to increase the PVF. Brannon teaches a micro-cement but neither a trimodal configuration nor an increased PVF. There is a need for further motivation to combine all the teachings of Villar and

Brannon to create the composition of current claim 1. Applicants do not believe such motivation can be found in the general knowledge of one skilled in the art or in overall known improvement means.

Applicants believe this reply to be fully responsive to all outstanding issues. This paper is submitted in response to the Office Action dated July 17, 2008 for which the two-months date for response is September 17, 2008. Please apply any charges not covered, or any credits, to Deposit Account 50-2183 (Reference Number 21.1209).

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